IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE

N/S Taylor Avenue, 35 ft. E

of Lavender Road

3026 Taylor Avenue

14th Election District
6th Councilmanic District
Gary L. Chaney, et ux
Petitioners

\* BEFORE THE

ZONING COMMISSIONER

\* Case No. 92-198-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) in the front yard, in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petitioner, Gary L. Chaney, the property owner of 3026 Taylor Avenue, appeared and testified. There were no other witnesses at the

Mr. Chaney testified that he owns the property known as 3026 Taylor Avenue, which is improved by a duplex dwelling. The structure straddles the property line and he resides in the unit on the south side of the adjoining property known as 3024 Taylor Avenue. He proposes to construct a carport in the front portion of the lot, over an existing driveway. He explained that the carport was necessary to provide protection for his vehicles. He further testified that his vehicles did not fit in an existing garage which is located in the rear of the property. He also indicated that the backyard of his lot is enclosed and, therefore, there is no existing vehicular access to the driveway.

Although no Protestants appeared, the Zoning Commissioner did receive

an anonymous letter signed by "The good neighbors of Taylor Avenue". This letter did express opposition to the proposal and claimed that the construction of a carport would spoil the esthetics of an otherwise neatly kept block. Also, the letter indicated that the carport would make traffic conditions unsafe for this neighborhood; in that, it would impede site distance. Lastly, according to this letter, it was suggested that Mr. Chaney's sole reason for constructing the carport was to operate a fleat market on weekends. Mr. Chaney denied this allegation.

I am also in receipt of a letter from May and Laura Woods of 3028 Taylor Avenue. This letter also opposed the variance and these neighbors indicated therein that they were unable to attend the hearing because of work commitments.

An area variance may be granted where strict application of the zon-ing regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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After due consideration of the testimony and evidence presented, the requested variance would be detrimental to the public health, safety and general welfare, if granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26 day of 2001, 1991 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) in the front yard, in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IAMRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

The road

-3-

111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 23, 1991

Mr. and Mrs. Gary L. Chaney 3026 Taylor Avenue Baltimore, Maryland 21234

> RE: Petition for Zoning Variance Case No. 92-198-A

Dear Mr. and Mrs. Chaney:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

Lawrence E. Schmidt

Zoning Commissioner

att. cc: May and Laura Woods

LES:mmn

## Petition for Variance

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a description Section 400.1 to permit an accessory structure (carport) in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Saltimore County adopted pursuant to the 200ming	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition.
ontract Purchaser/Lessee:	Legal Owner(s): GARY L. CHANEY
(Type or Print Name)	(Type or Print Name)
	Signature
Signature	JOYCE C. CHANEY  (Type or Print Name)
Address	Voice C. Chanley
City and State	Signature
Attorney for Petitioner:	3026 TAYLOR AVE 668-541
(Type or Print Name)	BALTO MD. 21234
Signaltail	City and State
	Name, address and phone number of legal owner, or tract purchaser or representative to be contacted
Address	
City and State	Name
Attorney's Telephone No.:	Address OFFICE USE COLY
	ESTIMATED LENGTH OF HEARING -1/ AVAILABLE FOR HEARING MON. /THES. /MED MEXT TWO

ITEM-204

92-198-A

Schedule '

All that piece or parcel of ground situate and lying in Baltimore County, State of Maryland, and described as follows: Beginning for the same on the Northeast side of Taylor Avenue 30 feet wide at the distance of 35 feet 9½ inches Southeasterly from the corner formed by the intersection of the Northeast side of Taylor Avenue with the Southeast side of Lavender Avenue 30 feet wide, said place of beginning being at the distance of 177 feet 31 inches northwesterly from the intersection of the Northeast side of Taylor with the Northwest side of Clarksworth Place and running thence binding on the Northeast side of Taylor Avenue South 31 degrees 6 minutes East 35 feet 91 inches to the beginning of the second line of the lot described in the Deed from W. Royston Smith, et al to Guiseppe Maggio dated the 16th day of December, 1940 and recorded among the Land Records of Baltimore County in CWBJr. No. 1144, folio 27 and binding on part of the said second lot north 56 degrees 16 minutes East 123 feet 7½ inches to the dividing line between lot No. 1 and lot No. 2 as shown on the Plat hereinafter referred to and binding on said dividing line North 33 degrees 24 minutes West 35 feet 4½ inches to a point distant 35 feet 4½ inches southeasterly from the Southeast side of Lavender Avenue and thence South 56 degrees 26 minutes West 122 feet 2 inches to the place of beginning. Being the southeasternmost one-half of lot No. 1 as laid down and shown on Plat entitled, "Addition No. 1 to Linwood" made by S. J. Martenet and Company, Surveyors and Civil Engineers Baltimore, dated March 11, 1941 and revised May 2, 1941, which plat is recorded among the Plat Records of Baltimore County in CHK 13, folio 9. The improvements on said lot being known as 3026 Taylor Avenue.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING TWO DEEDS:

Deed dated September 14, 1972 and recorded among the Land Records of Baltimore County in Liber EHKJR. 5304, folio 676, to Baltimore County, Maryland, containing 0.004 acre of land, more or less.

Deed dated November 5, 1970 and recorded among the Land Records of Baltimore County in Liber OTG 5147, folio 78, to Baltimore County, Maryland, containing 0.0016 acre of land, more or less.

CERTIFICATE OF POSTING

ZONNO DEPARTMENT OF BALTIMORE COUNTY

Tourse, Maryland

Hth

Date of Posting 11/25/9

esticate: Pary L. Chaney & Tax

estimate: Gary L. Chaney & Tax

for the t

CERTIFICATE OF PUBLICATION

TOWSON, MD., 19/1

THE JEFFERSONIAN,

5. Zeke Olm.

\$66.34

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish-

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

5. Zefe Orlan

\$ 66.34

CHAST MORE OF EMPRESS FRANCE A

04A04#0062MICHRC BA CO10:35AM10-21-91
Please Make Checks Payable To: Baltimore County

Zoning Commissioner
County Office Building
111 West Chesapeake Avenue

Account: R-001-6150

receipt

Participant (A) at the Control Siffed a Street 

> Please Make Chicke Ruling Tol Sallingere County \$91.34 BA COOB:34AM12-10-91

Zoning Plans Advisory Committe Coments Date: November 22, 1991

> Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

> Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

**Baltimore County Government** Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

DATE:\_\_ // - 26 9/

Gary and Joyce Chaney 3026 Taylor Avenue Baltimore, Maryland 21234

CASE WARBER: 92-198-A M/S Taylor Avenue, 35' E of Lavender Road 3026 Taylor Avenue 14th Election District - 6th Councilmenic Petitioner(s): Gary L. Chaney, et ux HEARING: TUESDAY, DECEMBER 10, 1991 at 9:00 a.m.

Dear Petitioner(s):

and that \$ 91.34 is due for advertising and posting of the above captioned

THIS PER MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check vis return smil to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Boom 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Haryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 11th day of October, 1991.

Petitioner: Gary L. Chaney, et ux Petitioner's Attorney:

**Baltimore County Government** Office of Zoning Administration and Development Management Office of Planning & Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County will hold a public bearing on the property identified herein in Room 106 of the County Office

Variance to parmit an accessory structure (carport) in the front yard in lieu of the required rear yard.

Building, located at 111 W. Chesepeake Avenue in Towson, Maryland 21204 as follows:

111 West Chesapeake Avenue Towson, MD 21204

CASE MANDER: 92-198-A

3026 Taylor Avenue

Zoning Commissioner

cc: Gary L. Chaney, et ux

Baitimore County

M/S Taylor Avenue, 35' E of Lavender Road

14th Election District - 6th Councilmanic

HEARING: TUESDAY, DECEMBER 10, 1991 at 9:00 a.m.

Petitioner(s): Gary L. Chaney, et ux

887-3353

Towson, MD 21204

111 West Chesapeake Avenue

(410) 887-3353

November 22, 1991

Paltimore County Government ffice of Zoning Administration

and Development Management

Office of Planning & Zoning

RE: Item No. 204, Case No. 92-198-A Petitioner: Gary L. Chaney, et ux

Petition for Variance

Dear Mr. & Mrs. Chaney:

Mr. & Mrs. Gary L. Chaney

3026 Taylor Avenue Baltimore, MD 21234

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: November 4, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Bertoldl Property, Item No. 172 Koss Property, Item No. 192 Pitts Property, Item No. 193
Weimer Property, Item No. 196
Frey Property, Item No. 197 Goodwin Property, Item No. 198 Pettit Property, Item No. 199 McQuain Property, Item No. 200 Osment Property, Item No. 201 Shapiro Property, Item No. 203/ Chaney Property, Item No. 204 Colleran Property, Item No. 207 Fisher Property, Item No. 208 Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITMS172/TXTROZ

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 20, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 5, 1991

This office has no comments for item numbers 201, 203, 204, 205, 206, 207, 208 and 211.

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

NOVEMBER 20, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GARY L. CHANEY
Location: #3026 TAYLOR AVENUE

Item No.: 204 Zoning Agenda: NOVEMBER 5, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Alanguage Group
Special Inspection Division

JP/KEK

EALTIMORE COURTY, MARYLAND

INTEROFFICE COERESTONDENCE

TO: Arnold Jablon Director

Zoning Administration and Development Hanagement

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Heating

The Developers Engineering Division has reviewed
the subject soning items and we have no comments for
Items 201, 203, 204, 205, 208, 207, 208, and 209.

For Item 211, the lot dimensions shown on the plat
do not agree with Plat Book 14, Folio 11.

REBUTTER BOWLING, E.K., Chief
Developers Engineering Division

RMB:s

Mr. Lawrence E. Schmidt, Zoning Commissioner of Baltimore County. Re; Case Number 92-198-A Dear Sir: We, the neighbors of 3000 block of Taylor Avenue are opposed to the variance to permit a carport to be built in the front yard of 3026 Taylor Avenue. It is totally unnecessary at that location. At present a concrete driveway extends from the front roadway to a brick marage on the rear of the lot. There is ample room alongside the house for such a structure that would not spoil the esthetics of an otherwise neatly kept block. Besides, a carport at that location would make it unsafe for nearby residents to pull out of our driveways onto the very heavy traffic on Taylor Avenue, only one block east of Harford Road. Lavender Avenue, which is very narrow is only 35 feet west of this property which would complicate the safety factor even more. Without the necessary permit, I assume, the carport has already started to be constructed with six wooden posts and some roof framing. The two front posts are only about twelve feet from the road (Taylor Ave.) so you can picture an undesirable situation for all concerned. We feel that the only reason the carport is being built is to accomodate an illegal flea market that flou rished on the same spot every saturday and sunday last spring and summer until we complained to Councilman Bill Howard and had it Unfortunately, I don't think many residents, if any at all will attend the hearing at 9 a.m. on December 10 because when confronted, the occupants of this house become violent and abusive. We are afraid of reprisal and damage to our homes or cars. On their front door are three signs, "Beware of Dog" "No Trespassing" and "No Admittance." Even the G & E meter reader is denied access, so you can see what kind of people we are dealing with. Everyone else of this block is compatible.









